

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

IN RE: NEW ENGLAND COMPOUNDING)	
PHARMACY, INC., PRODUCTS LIABILITY)	
LITIGATION)	
)	MDL No.: 2419
)	Master Docket No.: 1:13-md-2419-RWZ
)	
THIS DOCUMENT RELATES TO:)	
)	
All Tennessee Actions Against The)	
St. Thomas Entities.)	

DECLARATION OF GEORGE NOLAN

George Nolan declares, under penalty of perjury on the date identified below, as follows:

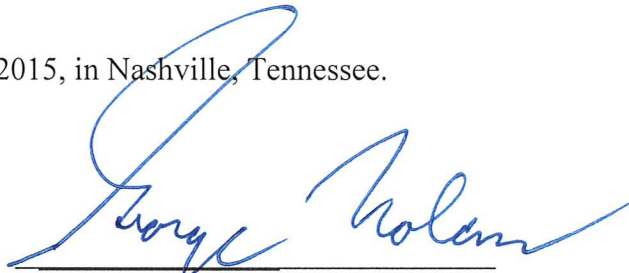
1. I am a named partner at the Nashville, Tennessee law firm of Leader, Bulso, & Nolan PLC, and I represent the plaintiffs in the following two suits pending in the above-referenced lawsuit (the "MDL"): *Reed v. Ameridose, et al.*, 1:13-cv-12565 and *McElwee v. Ameridose, et al.*, 1:13-cv-12625. I make this declaration in support of the contemporaneously filed Plaintiffs' Steering Committee's Motion for Entry of Case Management Order Setting an Expedited Trial Date (the "Motion").

2. In the *Reed* action, plaintiffs will attempt to show the following: At the time of her death, Diane Reed was a 56 year old mother with a husband and two sons. She is believed to be the third person to have contracted fungal meningitis in Tennessee. Mrs. Reed was the sole caregiver to her husband Wayne Reed who has ALS, also known as Lou Gehrig's disease. Diana Reed died of complications from fungal meningitis on October 3, 2012. She spent eleven days in the hospital. She received her injections on August 21, 2012, September 4, 2012, and September 18, 2012 at Saint Thomas Clinic by Dr. John Culclasure.

3. In the *McElwee* action, plaintiffs will attempt to show the following: BJ McElwee is a 75 year old married man. On October 4, 2012, Mr. McElwee was diagnosed with fungal meningitis. Following this diagnosis, BJ McElwee was hospitalized at St. Thomas Hospital for approximately 12 weeks (approximately 3 months). As of April 2014, he had incurred approximately \$786,000 in medical expenses. He underwent at least 7 lumbar punctures during his hospitalization. He continues to have balance difficulties, neuropathy in his legs and feet, lower back pain, chronic kidney disease and other ailments. He received two injections at Saint Thomas Clinic in August and September of 2012.

4. Both plaintiffs in the above-identified lawsuits are prepared to execute *Lexecon* waivers in accordance with *Lexecon, Inc. v. Milberg Weiss Bershad Hynes & Lerach*, 523 U.S. 26 (1998), and allow a trial to proceed in Boston, Massachusetts, if the Court allows the Motion and sets the case for trial in December of 2015.

Executed on this 3rd day of March, 2015, in Nashville, Tennessee.



George Nolan